

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1610C

1 WHEREAS, Joyce-Hinkley Limited Partnership has submitted an application  
2 designated as Special Permit No. 1610C for authority to reduce the front yard setback from  
3 20.0 feet to 19.5 feet for the southernmost garage along North 58th Street, and to reduce the  
4 rear yard setback from 5.0 feet to 4.5 feet for the westernmost garage along the north lot line  
5 on property located at 57th and Fremont Street, and legally described to wit:

6 A portion of vacated Benton Street right-of-way, vacated North  
7 57th Street right-of-way, the South Half of Blocks 141 and 142,  
8 the North Half of Blocks 157 and 158, and Lot 12, Block 157, and  
9 Lot 7, Block 158, Havelock, all located in the Southwest Quarter  
10 of Section 9, Township 10 North, Range 7 East of the 6th P.M.,  
11 City of Lincoln, Lancaster County, Nebraska, and more  
12 particularly described as follows:

13 Commencing at the southwest corner of said Lot 12, Block 157,  
14 said point being the true point of beginning; thence on an  
15 assumed bearing of north 00 degrees 00 minutes 51 seconds  
16 west along the west line of said Lot 12, Block 157, a distance of  
17 158.39 feet to the southwest corner of said Lot 1, Block 157;  
18 thence south 89 degrees 57 minutes 27 seconds west along the  
19 south line of said Lots 2 through 6, Block 157, a distance of  
20 250.02 feet to the southwest corner of said Lot 6, Block 157;  
21 thence north 00 degrees 05 minutes 58 seconds east along the  
22 west line of said Lot 6, Block 157, the west line of the vacated  
23 portion of Benton Street right-of-way, and the west line of the  
24 South Half of said Block 142, a distance of 372.32 feet to the  
25 northwest corner of the South Half of said Block 142; thence  
26 south 89 degrees 58 minutes 41 seconds east along the north  
27 line of the South Half of said Block 142, the north line of the  
28 vacated portion of North 57th Street right-of-way, and the north  
29 line of the South Half of said Block 141, a distance of 660.31 feet  
30 to the northeast corner of the South Half of said Block 141;  
31 thence south 00 degrees 00 minutes 45 seconds west along the

1 east line of the South Half of said Block 141, the east line of the  
2 vacated portion of Benton Street right-of-way, and the east line  
3 of said Lot 1, Block 158, a distance of 372.20 feet to the  
4 southeast corner of said Lot 1, Block 158; thence north 89  
5 degrees 56 minutes 05 seconds west along the south line of said  
6 Lots 1 through 5, Block 158, a distance of 250.46 feet to a point  
7 of intersection with an extension of the east line of said Lot 7,  
8 Block 158; thence south 00 degrees 03 minutes 33 seconds  
9 west along the east line of said Lot 7 and its extension, a  
10 distance of 158.53 feet to the southeast corner of said Lot 7;  
11 thence north 89 degrees 56 minutes 11 seconds west along the  
12 south line of said Lot 7, the south line of the vacated North 57th  
13 Street right-of-way, and the south line of said Lot 12, Block 157,  
14 a distance of 160.20 feet to the true point of beginning, said tract  
15 contains a calculated area of 6.23 acres, or 271,215.88 square  
16 feet more or less;

17 WHEREAS, the real property adjacent to the area included within the site plan  
18 for this adjustment to the front and rear yard setbacks, will not be adversely affected; and

19 WHEREAS, said site plan together with the terms and conditions hereinafter  
20 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code  
21 to promote the public health, safety, and general welfare.

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
23 Lincoln, Nebraska:

24 That the application of the Joyce-Hinkley Limited Partnership, hereinafter  
25 referred to as "Permittee", to amend Special Permit 1610 to reduce the front yard setback to  
26 19.5 feet for the southernmost garage along North 58th Street, and to reduce the rear yard  
27 setback to 4.5 feet for the westernmost garage along the north lot line, on the property legally  
28 described above, be and the same is hereby granted under the provisions of Section  
29 27.63.210 of the Lincoln Municipal Code upon condition that construction and operation of the

garages within the setbacks be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a modification to the front yard setback for the southernmost garage along North 58th Street from 20 feet to 19.5 feet, and revision of the rear yard setback for the westernmost garage along the north lot line from 5 feet to 4.5 feet.

2. The construction plans must conform to the approved plans.

3. The operation and the premises must meet appropriate local and state licensing requirements, including compliance with health codes.

4. All development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

6. The site plan approved by this resolution shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk

1 shall file a copy of the resolution approving the special permit and the letter of acceptance with  
2 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

3 9. The site plan as approved with this resolution voids and supersedes all  
4 previously approved site plans, however, all resolutions approving previous permits remain  
5 in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor